IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6150 of 2005

Between:

Sri Ramakrishna Vidyalaya Primary and High School, Sanjeevanagar, Nandyal, Kurnool District, rep. by its Correspondent Nivarthi Mohan Kumar.

... PETITIONER

AND

1 The Govt of A.P., rep. by its Prl. Secretary, School Education Dept., A.P. Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, Saifabad, Hyderabad.
3 The District Edeucational Officer, Kurnool.
4 The Dy. Educational Officer, nandyal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ or order more particularly one in the nature of writ of Mandamus declare that the Memo No.12080/COSE/A2/204-4, dt. 20.10.2004 issued by the 1st respondent has no application to fill up the aided clear vacancies in the petitioner school in the light of the permission already granted by the 3rd respondents from time to time and consequently direct the respondents 3 & 4 to allow the petitioner to fill up the vacant posts in the petitioner school.

Counsel for the Petitioner: MR.K.V.N.BHUPAL

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring that the Memo dated 20-10-2004 issued by the 1st respondent – Government of A.P. has no application to fill up the aided clear vacancies in the petitioner school pursuant to the permission granted by the 3rd respondent – The District Educational Officer, Kurnool and for a consequential direction to the respondents 3 & 4 to allow the petitioner to fill up the vacant posts in the petitioner School.

It is stated that ten aided posts i.e, SGT Posts-7, Gr.1 Telugu Pandit Post-1, PET Post-1 and Gr.1 Hindi Pandit Post-1 fell vacant in the petitioner School and for filling up the said posts, the petitioner has already taken all the necessary steps and the Competent Authority has also accorded the necessary permissions from time to time. In pursuance thereof, the petitioner published notification inviting applications from eligible candidates apart from the candidates sponsored by the Employment Exchange. Call letters were also sent to the applicants, however the further steps could not be taken in view of the General Ban on Recruitment imposed by the Government under the Memo dated 20-10-2004.

The contention of the petitioner is that the General Ban under Memo dated 20-10-2004 cannot be made applicable to the case on hand since the Competent Authority has accorded necessary permission to fill up the posts much prior to the ban imposed under the Memo dated 20-10-2004. In support of the said contention, the learned Counsel for the petitioner has relied upon a decision of this Court in W.P.No.22188 of 2004, wherein this Court has dealt with an identical issue. This

Court, having considered the scope of Memo dated 20-10-2004, held that in the Memo dated 20-10-2004 though it is stated that no new posts of grant-in-aid would be created and the existing vacancies will also not be filled up, in the very same Memo it is stated that the general ban is not applicable for the posts for which permission was specifically granted by the Government and accordingly permitted the petitioner therein to proceed with the selection process notwithstanding the ban imposed under the Memo dated 20-10-2004.

The learned Counsel for the petitioner submits that the ratio laid down in the said decision squarely applies to the case on hand and therefore the petitioner may be permitted to fill up the vacancies in question notwithstanding the ban imposed under Government Memo dated 20-10-2004.

The learned Government Pleader for School Education appearing for the respondents does not dispute the same.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to allow the petitioner to proceed with the selection process to fill up the vacancies in question in
accordance with law notwithstanding the ban imposed under Government Memo dated 20-10-2004. No costs.

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G. ROHINI, J

Dated: 24-03-2005

LSK

ASSISTANT REGISTRAR

To

1 The Principal Secretary, Govt of A.P., School Education Dept., A.P. Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, Saifabad, Hyderabad.
3 The District Educational Officer, Kurnool.
4 The Dy. Educational Officer, Nandyal, Kurnool District.

5 Two C.Cs. to the G.P. for School Education, High Court Buildings, Hyderabad. (OUT)

6 Two C.D. copies.